

**Hearing Date: August 14, 2012 at 10 a.m. (EST)**  
**Objection Deadline: August 7, 2012 at 4:00 p.m. (EST)**

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
In re:

Residential Capital, LLC, et al.,

Debtors.

Chapter 11  
Case No. 12-12020 (MG)  
Jointly Administered  
Re: Debtor GMAC Mortgage LLC

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**MOTION BY THE PEOPLE OF THE STATE OF NEW YORK FOR ORDER  
DETERMINING EXEMPTION FROM THE AUTOMATIC STAY AS TO  
GMAC MORTGAGE LLC PURSUANT TO 11 U.S.C. § 362(b)(4)**

The People of the State of New York, by Eric T. Schneiderman, the Attorney General of the State of New York, hereby move for entry of an order: (a) determining that the civil litigation now pending in the Supreme Court, Nassau County, *State of New York v. Empire Property Solutions, LLC et al.* (Index No. 09-017767), is exempt, pursuant to section 362(b)(4) of the Bankruptcy Code, from the automatic stay; (b) alternatively, in the event the Bankruptcy Court holds that the automatic stay applies, granting relief from the stay pursuant to section 362(d)(1) of the Bankruptcy Code; or (c)

alternatively, in the event the Court holds that the stay applies and that relief from the stay is not warranted, determining that the automatic stay operates to stay the pending civil action only as it applies to the debtor, GMAC Mortgage, LLC ("GMAC"), and not as it applies to the remaining parties in the state action.

This motion is based on the declaration of Victoria L. Safran dated July 24, 2012, with exhibits, and the accompanying memorandum of law, the records on file in this action and such other evidence and oral argument as will be permitted by the Court. The proposed order is attached as Exhibit 1.

WHEREFORE, the People of the State of New York respectfully request that the Court enter an Order substantially in the form attached as Exhibit 1 granting the relief requested in the Motion, and granting such other relief as the Court deems just.

Dated: Mineola, New York  
July 24, 2012

ERIC T. SCHNEIDERMAN  
Attorney General  
By: /s/ Victoria L. Safran  
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# **EXHIBIT 1**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

Residential Capital, LLC, et al.,

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Chapter 11  
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Re: Debtor GMAC Mortgage LLC

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**ORDER GRANTING MOTION BY THE PEOPLE  
OF THE STATE OF NEW YORK FOR ORDER DETERMINING  
EXEMPTION FROM THE AUTOMATIC STAY AS TO  
GMAC MORTGAGE LLC PURSUANT TO 11 U.S.C. § 362(b)(4)**

Upon the motion by The People of the State of New York, by Eric T.

Schneiderman, the Attorney General of the State of New York, for entry of an order: (a) determining that the civil litigation now pending in the Supreme Court, Nassau County, *State of New York v. Empire Property Solutions, LLC et al.* (Index No. 09-017767), is exempt, pursuant to section 362(b)(4) of the Bankruptcy Code, from the automatic stay; (b) alternatively, in the event the Bankruptcy Court holds that the automatic stay applies, granting relief from the stay pursuant to section 362(d)(1) of the Bankruptcy Code; or (c) alternatively, in the event the Court holds that the stay applies and that relief from the stay is not warranted, determining that the automatic stay operates to stay the pending civil action only as it applies to the debtor, GMAC Mortgage, LLC ("GMAC"), and not as it applies to the remaining parties in the state action; and upon consideration of the Declaration of Victoria L. Safran dated July 24, 2012, with exhibits; and it appearing that this Court has jurisdiction to consider the Motion; and sufficient notice of the Motion

having been given; and after due deliberation thereon; and sufficient cause appearing  
therefore, it is hereby

ORDERED, ADJUDGED AND DECREED THAT:

The civil litigation now pending in the Supreme Court, Nassau County, *State of New York v. Empire Property Solutions, LLC et al.* (Index No. 09-017767), is exempt, pursuant to section 362(b)(4) of the Bankruptcy Code, from the automatic stay imposed by section 362 of the Bankruptcy Code.

ALTERNATIVELY,  
ORDERED, ADJUDGED AND DECREED THAT:

The stay imposed by section 362 of the Bankruptcy Code is hereby modified so as to allow the civil litigation now pending in the Supreme Court, Nassau County, *State of New York v. Empire Property Solutions, LLC et al.* (Index No. 09-017767) to proceed to final judgment, including any appeals.

ALTERNATIVELY,  
ORDERED, ADJUDGED AND DECREED THAT:

The stay imposed by section 362 of the Bankruptcy Code operates to stay the civil litigation now pending in the Supreme Court, Nassau County, *State of New York v. Empire Property Solutions, LLC et al.* (Index No. 09-017767) only as it applies to the debtor, GMAC Mortgage, LLC ("GMAC"), and not as it applies to the remaining parties in the state action, so that the action may proceed to final judgment, including any appeals as to all parties in the action excepting the debtor, GMAC Mortgage LLC ("GMAC").

Dated: New York, New York  
\_\_\_\_\_, 2012

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United States Bankruptcy Judge